

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

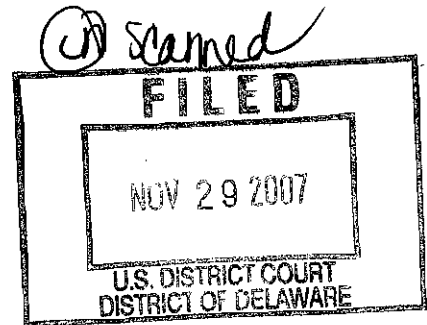
ORIGINAL

Roland C. Anderson :

vs. :

General Motors Corp. :

C.A. 05-877 JJF



**Dispositive Motions**

**Violation R. 83.6/R.83.7/R.3.4 R. 8.1/Rule 1.3 R. 3.3**

(1) R. 83.6 clearly states the following:

E. Time to obtain local counsel: A party not appearing pro-se, shall stain representation by a member of the bar of this Court or have its attorney associate with a member of the bar of this Court in accordance with D. Del. 83.5(d) within thirty (30) days after Ex. A LAC and R. 83.5 (d) of local District Court Civil Rules attached Ex. A.

(2) According to Docket sheet the complain was filed on December 5, 2005, Ex. B. First attorney Mr. Slander withdrew on November 8, 2006, Ex. B and on October 30, 2007, attorney by the name of Mr. Michael William entered his appearance for G.M. Ex. C Docket Sheet.

(3) In violation with Rule 83.5 thirty (30) day rule. See Rule 83.6 Ex. A

(4) Also see § Rule 83.7 Ex. D.

**Rule 83.7 – Substitution and Withdrawal of Attorney**

No appearance shall be withdrew except by order of a motion duly notice to each party and served on the party client at least ten (10) days before the motion is presented by registered or certified mail addressed to the client's last known address.

Mr. Slander withdrawn on (11-05-06) copy attached

I was not notified within 10 days. G.M. Attorney violated  
Rule 83.7, - ~~808~~ penalty for withdrawal - (in a civil  
Forfeiture action. Copy Rule 83.7 Attach 83.7. EXD-PAGE

Language  
Free Class

New Castle County  
Appoquinimink  
302-378-5037

# Rule 83.6

## LOCAL DISTRICT COURT CIVIL RULES

(e) *Time to obtain local counsel.* A party not appearing *pro se* shall obtain representation by a member of the Bar of this Court or have its attorney associate with a member of the Bar of this Court in accordance with D. Del. LR 83.5(d) within thirty days after:

- (1) The filing of the first paper filed on its behalf; or
  - (2) The filing of a case transferred or removed to this Court.
- Failure to timely obtain such representation, shall subject the defaulting party to appropriate sanctions under D. Del. LR 1.3(a).

**Source.** — Former Delaware Local Rule 8.1 with revisions.

**Association with local counsel.** — In a civil forfeiture action, claimant's answer was struck because of his attorneys' failure to associate with local counsel and withdrawal from

the case in violation of D. Del. Civ. LR 1.3(a). *United States v. Fifty Thousand Six Hundred Seventy-Two Dollars & No Cents in U.S. Currency*, 35 F. Supp. 2d 373 (D. Del. 1999).

### Rule 83.6. Attorney discipline.

- (a) *Attorneys convicted of crimes.* (1) Upon the filing with this Court of a certified copy of a judgment of conviction demonstrating that any attorney admitted to practice before the Court has been convicted in any Court of the United States, or the District of Columbia, or of any state, territory, commonwealth or possession of the United States of a serious crime as hereinafter defined, the Court shall enter an order immediately suspending that attorney whether the conviction resulted from a plea of guilty or nolo contendere or from a verdict after trial or otherwise, and regardless of the pendency of any appeal until final disposition of a disciplinary proceeding to be commenced upon such conviction. A copy of such order shall immediately be served upon the attorney. Upon good cause shown, the Court may set aside such order when it appears to be in the interests of justice so to do.
- (2) The term "serious crime" shall include any felony and any lesser crime having a necessary element of which, as determined by the statutory or common law definition of such crime in the jurisdiction where the judgment was entered, involves false swearing, misrepresentation, fraud, willful failure to file tax returns, deceit, bribery, extortion, misappropriation, theft, or an attempt to commit a conspiracy or solicitation of another to commit a "serious crime."
- (3) A certified copy of a judgment of conviction of an attorney for a crime shall be conclusive evidence of the commission of that crime in any disciplinary proceeding instituted against that attorney based upon the conviction.
- (4) Upon the filing of a certified copy of a judgment of conviction of an attorney for a serious crime, the Court shall in addition to suspending the attorney in accordance with the provisions of this Rule, also refer the matter to counsel for the institution of a disciplinary proceeding before the Court, in which the sole issue to be determined shall be the extent of the final discipline to be imposed as a result of the conduct resulting in the conviction. Such a disciplinary proceeding so instituted will not be brought to final disposition until all appeals from the conviction are concluded.
- (5) Upon the filing of a certified copy of a judgment of conviction of an attorney for a crime not constituting a "serious crime", the Court may refer the matter to counsel for whatever action counsel may deem warranted. In the event, that the Court may in its discretion make no reference with respect to the institution of a disciplinary proceeding before the Court; provided, however, that the Court may in its discretion make no reference with respect to the case in violation of D. Del. Civ. LR 1.3(a). *United States v. Fifty Thousand Six Hundred Seventy-Two Dollars & No Cents in U.S. Currency*, 35 F. Supp. 2d 373 (D. Del. 1999).



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11/08/2006	●23	NOTICE OF SUBSTITUTION OF COUNSEL re General Motors: Entry of appearance of attorney Michael Busenkell. Attorney Sheldon N. Sandler terminated. (Attachments: # 1 Affidavit of Service)(Busenkell, Michael) (Entered: 11/08/2006)
02/22/2007	●24	ORDER that CA 06-669 is CONSOLIDATED into CA 05-877. All pleadings and documents shall be filed ONLY in CA 05-877 (See Order for Details). Signed by Judge Joseph J. Farnan, Jr. on 2/22/2007. (lec) (Entered: 02/23/2007)
02/27/2007	●25	Letter to The Honorable Joseph J. Farnan from Margaret F. England regarding Motion for Default Judgment. (England, Margaret) (Entered: 02/27/2007)
03/01/2007	●26	SCHEDULING ORDER: Discovery due by 6/30/2007., Dispositive Motions due by 7/20/2007., Pretrial Conference set for 10/4/2007 at 03:00 PM in Courtroom 4B before Honorable Joseph J. Farnan, Jr. Trial to be scheduled at Pretrial Conference. Signed by Judge Joseph J. Farnan, Jr. on 3/1/2007. (lec) (Entered: 03/01/2007)
03/06/2007	●27	Letter to Judge Joseph J. Farnan, Jr. from Roland C. Anderson regarding Dft's Ltr D.I. 25. (lec) (Entered: 03/08/2007)
03/22/2007	●29	NOTICE OF APPEAL of D.I. 26 Scheduling Order. Appeal filed by Roland C. Anderson. (lec) (Entered: 03/27/2007)
03/22/2007	●30	MOTION for Leave to Appeal in forma pauperis - filed by Roland C. Anderson. (lec) (Entered: 03/27/2007)
03/23/2007	●28	Letter to the Court from Roland C. Anderson requesting status of Motion For Default D.I. 15 and requesting an attorney. (lec) (Entered: 03/26/2007)
03/29/2007	●31	NOTICE of Docketing Record on Appeal from USCA for the Third Circuit re 29 Notice of Appeal filed by Roland C. Anderson. USCA Case Number 07-1908. USCA Case Manager: Shannon L. Craven (DOCUMENT IS RESTRICTED AND CAN ONLY BE VIEWED BY COURT STAFF) (sc, ) (Entered: 03/29/2007)
05/29/2007	●32	MEMORANDUM OPINION. Signed by Judge Joseph J. Farnan, Jr. on 5/29/2007. (lec) (Entered: 05/29/2007)
05/29/2007	●33	ORDER DENYING D.I. 15 Motion for Default Judgment (per D.I. 32 Memorandum Opinion). Signed by Judge Joseph J. Farnan, Jr. on 5/29/2007. (lec) (Entered: 05/29/2007)
05/29/2007	●41	ANSWER to Complaint filed (as attached to D.I. 17) by General Motors. (dlk) (Entered: 06/18/2007)
06/01/2007	●34	MEMORANDUM ORDER DENYING D.I. 28 Letter request for Appointment of Counsel (See Order for Details). Signed by Judge Joseph J. Farnan, Jr. on 6/1/2007. (lec) (Entered: 06/01/2007)
06/07/2007	●35	MOTION for Reconsideration re 32 Memorandum Opinion - filed by

APPEAL, LEAD, PaperDocuments

**U.S. District Court  
District of Delaware (Wilmington)  
CIVIL DOCKET FOR CASE #: 1:05-cv-00877-JJF  
Internal Use Only**

Anderson v. General Motors  
Assigned to: Honorable Joseph J. Farnan, Jr.  
Related Cases: 1:03-cv-00275-JJF  
1:98-cv-00040-JJF  
1:98-cv-00045-JJF  
1:06-cv-00669-JJF

Date Filed: 12/19/2005  
Jury Demand: Plaintiff  
Nature of Suit: 442 Civil Rights: Jobs  
Jurisdiction: Federal Question

Case in other court: US Court of Appeals for the 3rd  
Circuit, 06-03316  
3rd Circuit, 07-01908  
3rd Circuit, 07-02771  
Third Circuit Court of Appeals, 07-  
03719

Cause: 42:2000 Job Discrimination (Race)

**Plaintiff**

**Roland C. Anderson**

represented by **Roland C. Anderson**  
Roland C. Anderson, Pro Se  
113 Lloyd St.  
Wilmington, DE 19804  
PRO SE

V.

**Defendant**

**General Motors**

represented by **Michael Busenkell**  
Eckert Seamans Cherin & Mellott, LLC  
  
300 Delaware Avenue  
Suite 1360  
Wilmington, DE 19801  
(302) 425-0430  
Email:  
mbusenkell@eckertseamans.com  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Teresa A. Cheek**  
Young, Conaway, Stargatt & Taylor  
The Brandywine Building  
1000 West Street, 17th Floor

P.O. Box 391  
 Wilmington, DE 19899-0391  
 (302) 571-6600  
 Email: tcheek@ycst.com  
 TERMINATED: 11/08/2006  
 LEAD ATTORNEY  
 ATTORNEY TO BE NOTICED

**Margaret Fleming England**  
 Eckert Seamans Cherin & Mellott, LLC

300 Delaware Avenue  
 Suite 1360  
 Wilmington, DE 19801  
 (302) 425-0430  
 Fax: (302) 425-0432  
 Email: mengland@eckertseamans.com  
 ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
11/07/2007	●	Remark : Notice Regarding filing of documents containing Personal Information was mailed to plaintiff by the Clerk's Office - re: <u>70</u> Sealed Exhibit. (rwc) (Entered: 11/07/2007)
11/07/2007	● <u>70</u>	SEALED EXHIBIT -(Deposition Exhibit - "Seniority List") - re <u>69</u> Facts Discovery - filed by Roland C. Anderson. (Placed under seal by Clerk's Office). (rwc) (Entered: 11/07/2007)
11/07/2007	● <u>69</u>	Document titled " Facts Discovery" - filed by Roland C. Anderson.(rwc) (Entered: 11/07/2007)
11/06/2007	● <u>71</u>	Letter to Roland C. Anderson from Teresa Koenig, DE Dept. of Labor, rec'd 11/6/07 regarding subpoena for records received. (rwc) (Entered: 11/07/2007)
10/30/2007	● <u>68</u>	Letter from Roland Anderson dated 10/25/07 enclosing "Building Log" claiming that defense counsel did not show for deposition. (rwc) (Entered: 10/31/2007)
10/30/2007	● <u>67</u>	MOTION for Extension of Time to take Deposition - filed by Roland C. Anderson. (rwc) (Entered: 10/31/2007)
10/30/2007	●	SO ORDERED, re <u>65</u> MOTION for Pro Hac Vice Appearance of Attorney of Michael A. Williams of Lathrop & Gage L.C. filed by General Motors. Signed by Judge Joseph J. Farnan, Jr. on 10/30/07. (dab) (Entered: 10/30/2007)
10/26/2007	●	Remark: Per telephone conversation with Roland Anderson, it has been noted that a jury demand was listed on the Civil Cover Sheet (DI 2). The docket has been corrected to reflect the plaintiffs jury demand. (ead) (Entered: 10/26/2007)



840(1)

## Rule 83.7

## LOCAL DISTRICT COURT CIVIL RULES

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**Rule 83.7. Substitution and withdrawal of attorney.**

An attorney may withdraw an appearance for a party without the Court's permission when such withdrawal will leave a member of the Bar of this Court appearing as attorney of record for the party. Otherwise, no appearance shall be withdrawn except by order on a motion duly noticed to each party and served on the party client, at least ten days before the motion is presented, by registered or certified mail addressed to the client's last known address.

**Source.** — Former Delaware Local Rule 8.3 with revision.

**Penalty for withdrawal.** — In a civil forfeiture action, claimant's answer was struck because of his attorneys' failure to associate with local counsel in violation of D. Del. LR 83.5

and withdrawal from the case in violation of this rule. *United States v. Fifty Thousand Six Hundred Seventy-Two Dollars & No Cents*, 35 F. Supp. 2d 372 (D. Del. 1999).

FAIRNESS to opposing PARTY And Counsel (pages 8 & 9)

R. 3.4 Attach

A Lawyer S Hall not:

A. Unlawfully obstruct Another party's Access to Evidence or unlawfully alter destroy or conceal A document or other material Having potential Law; Rule attach Ex B. Also Ex F will show Requested Production From G.M And Attorney on (10-31-07) copy attach .A (Supena). But was never produce By G.M. And There, was AN order Date By Honorable Judge FARRAR - A Discovery Due NO Later By NOV. 8-07. The counsel for G.M never Reply to THAT order (for Discovery - Deadline for NOV. 8, 07. SEE Honorable Judge FARRAR order attach Ex G (2). Also see Docket Sheet Attach his order, Ex G (3). Also see Rule 1.3 (other Sanction) for Violations.

Also SEE Rule 8.1 BAR Admission and Disciplinary matter (A) - Ex H (1) R. 8.1 Attach As well.



BYE (1)

322

323

## PROFESSIONAL CONDUCT RULES

## Rule 3.4

that the lawyer will use the existence of a simply reject the false evidence and be silent. Thus the lawyer into the court.

*of Adjunctive Pro-*  
special obligation to criminal or fraudu-  
ness the integrity of such as bribing, in-  
lawfully communi-  
cator, court official or  
ceeding, unlawfully  
documents or other  
close information to  
ed by law to do so.  
res a lawyer to take  
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sever the lawyer's  
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is engaging or has  
audulent conduct re-

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definite point for the  
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eaning of this Rule  
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or the time for review

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advocates. The objec-  
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result. The judge has  
ility to accord the al-  
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is the correlative duty  
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an informed decision.  
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uire that the lawyer  
resentation of a client  
or have been adverse  
disclosure. The lawyer  
red by Rule 1.16(a)  
ribunal to withdraw  
with this Rule's duty  
extreme deterioration  
relationship that the la-  
petently represent the  
..16(b) for the circum-  
er will be permitted  
ission to withdraw.

connection with a request for permission to withdraw that is premised on a client's misconduct, a lawyer may reveal information relating

to the representation only to the extent reasonably necessary to comply with this Rule or as otherwise permitted by Rule 1.6.

**Subsection (a) describes separate violations.** — The act of offering evidence prohibited by subsection (a)(4) is a separate and distinct act in a judicial proceeding from the act of filing a pleading or making a statement prohibited by subsection (a)(1). In re McCann, 669 A.2d 49 (Del. 1995).

**Duty of defense counsel to both defendant and court.** — Defense counsel has a responsibility not only to the defendant-client, but to the trial court, as well. State v. Grossberg, 705 A.2d 608 (Del. Super. Ct. 1997).

The Sixth Amendment right to counsel was never intended to override the court's broader responsibility for keeping the administration of justice and the standards of professional conduct unsullied. State v. Grossberg, 705 A.2d 608 (Del. Super. Ct. 1997).

**Knowledge of client's perjury.** — An attorney should have knowledge beyond a reasonable doubt before determining under this Rule that his client has committed or is going to commit perjury. Shockley v. State, 565 A.2d 1373 (Del. 1989).

Counsel adequately performed his duty as officer of court by disclosing to the court what he believed beyond a reasonable doubt to be his client's proposed perjury; counsel's resort to narrative testimony when client insisted on testifying was reasonable under the circumstances and did not prejudice client's case. Shockley v. State, 565 A.2d 1373 (Del. 1989).

**Misleading conduct prohibited.** — An attorney, acting as an officer of the court, has a duty to respond with complete candor to court inquiries; counsel may not, knowingly or otherwise, engage in conduct which may reasonably be perceived as misleading either to the court or to opposing counsel. State v. Guthman, 619 A.2d 1175 (Del. 1993).

Attorney violated subsection (a)(1) of this Rule and Prof. Cond. Rules 3.4(b) and 8.4(c) when he identified himself as client's "nephew" and submitted falsified evidence to the tribunal in the form of a petition which identified him as such. In re McCann, 669 A.2d 49 (Del. 1995).

Attorney's misrepresentation to a Family Court that a client was not in arrears with regard to alimony and had paid the debt in full was determined to have been an act of dishonesty, fraud, deceit, or misrepresentation in violation of Law. Prof. Conduct R. 8.4(c) and (d), a

failure to provide competent representation to the client, in violation of Law. Prof. Conduct R. 1.1, and a failure to explain a matter to the extent reasonably necessary to permit the client to make informed decisions, in violation of Law. Prof. Conduct R. 1.4(b); the misrepresentation was found to have been knowingly made, but the recommended suspension of 2 years was reduced to 6 months, because mitigating circumstances were found in the nature of the attorney providing the Family Court with correspondence, which would have permitted the Family Court and the adverse party an opportunity to verify the debt. In re A Mbr. of the Bar of the Supreme Court of the Delaware (Chasanov), — A.2d — (Del. Feb. 22, 2005).

Attorney's acceptance of a retainer of \$250 from a client through a prepaid legal plan, while never contacting the client and refusing to refund the retainer until after the first disciplinary hearing, was held to have violated Law. Prof. Conduct R. 1.3, with regard to acting with reasonable diligence and promptness, Law. Prof. Conduct R. 1.4(a) and (b), with regard to failing to keep the client reasonably informed to the extent reasonably necessary to permit the client to make informed decisions, and, Law. Prof. Conduct R. 1.15(b) and (d), with regard to failing to safeguard the client's funds and deliver them upon request; the prepaid legal firm had refused to refund the retainer and, in fact, showed no record of the amount, which had been paid directly to the attorney. In re A Mbr. of the Bar of the Supreme Court of the Delaware (Chasanov), — A.2d — (Del. Feb. 22, 2005).

**Misleading statements prohibited.** — Evidence held sufficient to establish a violation of subsections (a)(1) and (4) of this Rule where attorney inconsistently informed the trial court that she did as to whether she did or did not represent a client. In re Shearin, 721 A.2d 157 (Del. 1998), cert. denied, 526 U.S. 1122, 119 S. Ct. 1776, 143 L. Ed. 2d 805 (1999).

**Development that renders material representation inaccurate.** — An attorney's duty to respond with complete candor to the court includes a responsibility to promptly inform the court and opposing counsel of any development that renders a material representation to the court inaccurate. State v. Grossberg, 705 A.2d 608 (Del. Super. Ct. 1997).

### Rule 3.4. Fairness to opposing party and counsel.

A lawyer shall not:

(a) unlawfully obstruct another party's access to evidence or unlawfully alter, destroy or conceal a document or other material having potential

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# English As A Second Language (ESL) Free Classes

Castle County  
Quinnimink Adult Basic Ed.

EX 21

## Rule 3.4

## PROFESSIONAL CONDUCT RULES

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evidentiary value. A lawyer shall not counsel or assist another person to do any such act;

(b) falsify evidence, counsel or assist a witness to testify falsely, or offer an inducement to a witness that is prohibited by law.

(c) knowingly disobey an obligation under the rules of a tribunal, except for an open refusal based on an assertion that no valid obligation exists;

(d) in pretrial procedure, make a frivolous discovery request or fail to make reasonably diligent efforts to comply with a legally proper discovery request by an opposing party;

(e) in trial, allude to any matter that the lawyer does not reasonably believe is relevant or that will not be supported by admissible evidence, assert personal knowledge of facts in issue except when testifying as a witness, or state a personal opinion as to the justness of a cause, the credibility of a witness, the culpability of a civil litigant or the guilt or innocence of an accused; or

(f) request a person other than a client to refrain from voluntarily giving relevant information to another party unless:

- (1) the person is a relative or an employee or other agent of a client; and
- (2) the lawyer reasonably believes that the person's interests will not be adversely affected by refraining from giving such information.

### COMMENT

[1] The procedure of the adversary system contemplates that the evidence in a case is to be marshalled competitively by the contending parties. Fair competition in the adversary system is secured by the prohibitions against destruction or concealment of evidence, improperly influencing witnesses, obstructive tactics in discovery procedure, and the like.

[2] Documents and other items of evidence are often essential to establish a claim or defense. Subject to evidentiary privileges, the right of an opposing party, including the government, to obtain evidence through discovery or subpoena is an important procedural right. The exercise of that right can be frustrated if relevant material is altered, concealed or destroyed. Applicable law in many jurisdictions makes it an offense to destroy material for purpose of impairing its availability in a pending proceeding or one whose commencement can be foreseen. Falsifying evidence is also generally a criminal offense. Paragraph (a) applies to evidentiary material generally, in-

cluding computerized information. Applicable law may permit a lawyer to take temporary possession of physical evidence of client crimes for the purpose of conducting a limited examination that will not alter or destroy material characteristics of the evidence. In such a case, applicable law may require the lawyer to turn the evidence over to the police or other prosecuting authority, depending on the circumstances.

[3] With regard to paragraph (b), it is not improper to pay a witness's expenses or to compensate an expert witness on terms permitted by law. The common law rule in most jurisdictions is that it is improper to pay an occurrence witness any fee for testifying and that it is improper to pay an expert witness a contingent fee.

[4] Paragraph (f) permits a lawyer to advise employees of a client to refrain from giving information to another party, for the employees may identify their interests with those of the client. See also Rule 4.2.

**Violation shown.** — Attorney violated subsection (c) when, in connection with the receivership of his law practice, he failed to cooperate with the receiver's efforts to gain control over the books and records of the practice. In re Maguire, 725 A.2d 417 (Del. 1999).

Where attorney violated Rule 1.2(a), Rule 1.3, Rule 1.4(a) and (b), Rule 1.15(a) and (d), Rule 1.16(b) and (d), and Rule 3.4 (c), attorney agreed to pay all the costs of the disciplinary

proceedings, the costs of the investigatory audits performed by the Lawyers' Fund for Client Protection, the restitution noted in the parties stipulation, and consented to the imposition of a public reprimand with a public four-year probation with conditions. In re Solomon, 745 A.2d 874 (Del. 1999).

Where attorney who had practiced for over 20 years and was found to be a good lawyer committed professional misconduct by failing to

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PR

appear at a scheduled family court by failing to reschedule two of the appearances in family court, which conditions of Del. Law. R. Prof. Conduct 8.4(d), the public probation period was already serving for previous was extended for an additional Solomon, — A.2d — (Del. Apr. 2005). Law. R. Prof. Conduct 1.15(a), 1.16(d), 3.4(c), 8.1(b), 8.4(d) were for several years the attorney was improperly accounted for the at funds and the attorney's escrow inaccurately completed certification; the attorney was suspended could apply for reinstatement the attorney fulfilled condition return to solo practice. In re Fo 1167 (Del. 2005).

When an attorney handling a matter, failed to probate the estate in the manner, the attorney violated Conduct 3.4(c). In re Wilson, Nov. 9, 2005).

**Failure to comply with Court in relation to pleading of this Rule.** In re Tos, 576 A.2

**Failure to timely probate** failing to probate the estate knowingly disobeyed the provisions of Law. R. Prof. Conduct 3.4(c). In re May Wilson, — A.2d — (Del. May 2005).

**Misleading conduct** — attorney violated subsection (b) Prof. Cond. Rules 3.3(a)(1) identified himself as client's attorney, submitted falsified evidence to form of a petition that identified re McCann, 669 A.2d 49 (Del. 1995).

**No duty to reveal** While an attorney has a duty to an opposing party and may not involve dishonesty, fraud, or misrepresentation, an attorney need

## Rule 3.5. Impartial

A lawyer shall not:

- (a) seek to influence any person by means prohibited by law;
- (b) communicate with a person or members of a family authorized to do so by law;
- (c) communicate with a person unless the communication is necessary for the representation of a client or is otherwise justified;
- (d) engage in conduct that is prejudicial or discourteous.

[1] Many forms of improper conduct are proscribed by the rules of the ABA. Conduct, with which a

AO88 (DE Rev. 01/07) Subpoena in a Civil Case

B7C (1)

Issued by the  
UNITED STATES DISTRICT COURT  
DISTRICT OF DELAWARE

*Roland E. Andersson*  
V.

## SUBPOENA IN A CIVIL CASE

*General Motors Corp.*

Case Number: *CA.05-0877*

TO: *Michael Williams Michael Burkhardt*  
*300 Delaware Avenue, Suite 1210*  
*W.D. Del. 19801*

☐ YOU ARE COMMANDED to appear in the United States District court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY

COURTROOM

DATE AND TIME

☐ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION

DATE AND TIME

☒ YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

*List of All Employee Hire From 1982 until Oct. 07. (And then back)*  
*(10) United State District Court / At 844 W. King St.*  
*W.D. Del. 19801 / Time 4:00 or 3:00 - Date Oct 31, 07*

PLACE

DATE AND TIME

☐ YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES

DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT) DATE

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

**PETER T. DALLEO**

*Deputy Clerk*  
*602) 573-6170*

(See Rule 45, Federal Rules of Civil Procedure, Subdivisions (c), (d), and (e), on next page)

If action is pending in district other than district of issuance, state district under case number.

*11*



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<p><b>SENDER COMPLETE THIS SECTION</b></p> <p>1. Article Addressed to:  <b>MICHAEL WILKINSON, JR., BUILDING          300 OX. AVENUE SUITE 210          WILMINGTON, DE 19804</b></p>		<p><b>POSTAGE OFFICE USE ONLY</b></p> <p>A. Signature <b>E. J. J. J.</b> in Agent <input type="checkbox"/> Addressee <input type="checkbox"/></p> <p>B. Received by (Printed Name): <b>SEAN E. BAKER</b> C. Date of Delivery: <b>01/26/07</b></p> <p>D. To delivery estimate delivered (Printed Name): <b>WILKINSON</b> Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>IF YES, enter delivery: <b>01/26/07</b></p>	
<p>2. Article Number          (Transfer from service label)  <b>7007 1490 0002 7860 7565</b></p> <p>PS Form 3811, February 2004</p>		<p>3. Service Type  <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> G.O.D.  <input type="checkbox"/> Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	
<p>Donnetto Return Receipt</p>		<p>102598-02-M-1649</p>	

CM/ECF LIVE - U.S. District Court:ded - Docket Report

Page 7 of 7

By G (2)

10/03/2007	<u>58</u>	NOTICE to Take Deposition of Roland C. Anderson on October 24, 2007 at 9:00 a.m. by General Motors.(Busenkell, Michael) (Entered: 10/03/2007)
10/11/2007	<u>59</u>	USCA Order Terminating Appeal as to <u>51</u> Notice of Appeal filed by Roland C. Anderson. USCA Decision: Appeal Dismissed for lack of appellate jurisdiction. (pr, ) (Entered: 10/11/2007)
10/12/2007	<u>60</u>	RESPONSE to Discovery Request filed by Roland C. Anderson.(rwc) (Entered: 10/12/2007)
10/19/2007	<u>61</u>	Document titled "Motion to this Court/Violation of Judge's Order", construed as OBJECTIONS to <u>58</u> Notice to Take Deposition - filed by Roland C. Anderson. (rwc) (Entered: 10/19/2007)
10/22/2007	<u>62</u>	MOTION for Extension of Time to Complete Discovery <i>and file Motion for Summary Judgment</i> - filed by General Motors. (England, Margaret) (Entered: 10/22/2007)
10/23/2007	<u>63</u>	ORDER granting <u>62</u> MOTION for Extension of Time to Complete Discovery <i>and file Motion for Summary Judgment</i> filed by General Motors. Setting Scheduling Order Deadlines Discovery due by 11/8/2007, Dispositive Motions due by 12/7/2007. Signed by Judge Joseph J. Farnan, Jr. on 10/23/07. (dab) (Entered: 10/23/2007)
10/24/2007	<u>64</u>	MOTION for Extension of Time to Complete Discovery until at least December 7, 2007 - filed by Roland C. Anderson. (hkb) (Entered: 10/24/2007)

P.O. Box 391  
Wilmington, DE 19899-0391  
(302) 571-6600  
Email: tcheek@ycst.com  
**TERMINATED: 11/08/2006**  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Margaret Fleming England**  
Eckert Seamans Cherin & Mellott, LLC

300 Delaware Avenue  
Suite 1360  
Wilmington, DE 19801  
(302) 425-0430  
Fax: (302) 425-0432  
Email: mengland@eckertseamans.com  
**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
11/07/2007	●	Remark : Notice Regarding filing of documents containing Personal Information was mailed to plaintiff by the Clerk's Office - re: <u>70</u> Sealed Exhibit. (rwc) (Entered: 11/07/2007)
11/07/2007	● <u>70</u>	SEALED EXHIBIT -(Deposition Exhibit - "Seniority List") - re <u>69</u> Facts Discovery - filed by Roland C. Anderson. (Placed under seal by Clerk's Office). (rwc) (Entered: 11/07/2007)
11/07/2007	● <u>69</u>	Document titled " Facts Discovery" - filed by Roland C. Anderson.(rwc) (Entered: 11/07/2007)
11/06/2007	● <u>71</u>	Letter to Roland C. Anderson from Teresa Koenig, DE Dept. of Labor, rec'd 11/6/07 regarding subpoena for records received. (rwc) (Entered: 11/07/2007)
10/30/2007	● <u>68</u>	Letter from Roland Anderson dated 10/25/07 enclosing "Building Log" claiming that defense counsel did not show for deposition. (rwc) (Entered: 10/31/2007)
10/30/2007	● <u>67</u>	MOTION for Extension of Time to take Deposition - filed by Roland C. Anderson. (rwc) (Entered: 10/31/2007)
10/30/2007	●	SO ORDERED, re <u>65</u> MOTION for Pro Hac Vice Appearance of Attorney of Michael A. Williams of Lathrop & Gage L.C. filed by General Motors. Signed by Judge Joseph J. Farnan, Jr. on 10/30/07. (dab) (Entered: 10/30/2007)
10/26/2007	●	Remark: Per telephone conversation with Roland Anderson, it has been noted that a jury demand was listed on the Civil Cover Sheet (DI 2). The docket has been corrected to reflect the plaintiffs jury demand. (ead) (Entered: 10/26/2007)



## Rule 1.2

## LOCAL DISTRICT COURT CIVIL RULES

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application thereof would not be feasible or would work injustice, in which event the former Rules shall govern.

(e) *Rules of construction.* United States Code, Title 1, Sections 1 to 5, shall as far as applicable, govern the construction of these Rules.

*Source.* — Model Local Rule 1.1. (Cf. former Delaware Local Rules 1.1, 1.2 and 9.7.)

**Rule 1.2. Availability of the Local Rules.**

Copies of these Rules, as amended and with any appendices attached hereto, are available from the Clerk of the Court for a reasonable charge to be determined by the Court.

When amendments to these Rules are proposed and made, notice consistent with Rule 83 of the Federal Rules of Civil Procedure and 28 U.S.C. § 2071 shall be provided of: (1) such proposals; (2) the ability of the public to comment; and (3) final adoption.

*Source.* — Model Local Rule 1.2.

**Rule 1.3. Sanctions.**

(a) *In general.* The violations of or failure to conform with any of the Local Rules of the United States District Court for the District of Delaware, the Federal Rules of Civil Procedure or any order of this Court, including orders relating to conferences or other appearances, and orders or rules relating to brief schedules, shall subject the offending party and that party's attorney, at the discretion of the Court, to appropriate discipline including, but not limited to the imposition of costs, fines, and such attorneys' fees to opposing counsel as the Court may deem proper under the circumstances.

(b) *Pretrial procedures and motions.* Failure of counsel for any party to appear before the Court at any pretrial conference or to complete the necessary preparations therefor or to be prepared for trial on the date set may be considered an abandonment or failure to prosecute or defend diligently, and judgment may be entered against the defaulting party either with respect to a specific issue or the entire case. Failure to comply with the Rules of this Court relating to motions may result in the determination of the motion against the offending party.

*Source.* — Former Delaware Local Rule 9.2 with revisions.

**II. COMMENCEMENT OF ACTION; PROCESS; SERVICE AND FILING OF PLEADINGS AND OTHER PAPERS.****Rule 3.1. Civil cover sheet.**

(a) *Submission of a civil cover sheet.* Every complaint or other document initiating a civil action shall be accompanied by a completed civil cover sheet, on a form available from the Clerk of the Court. This requirement is solely for administrative purposes, and matters appearing only on the civil cover sheet have no legal effect in the action.

If the complaint or other document is submitted for filing without a completed civil cover sheet, the Clerk shall retain the document and stamp on it the date and time submitted and promptly give notice of the omission to the

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## II. COMMENT

party filing the document. The Clerk shall docket the complaint on the date it was originally submitted.

Persons filing civil cases must indicate on the civil cover sheet any actions or proceedings previously filed in any other court: (1) arise from the same facts or events; (2) involve the same parties or property; (3) involve the same legal issues. Counsel for a defendant, if noted previously, shall bring the matter to the attention of the Clerk, who will either refer the matter to the judge to whom the case has

*Source.* — For 3.1(a), Model Rule 1.4 with revisions, and for 3.1(b), former Delaware Local Rule 2.2B with revisions.

**Rule 3.2. Patent cases.**

In all patent cases, a complaint shall be filed with

**Rule 4.1. Service of process.**

(a) *Summons.* To assist the Clerk of the Court, the party required to serve a summons shall file a copy of the summons with the Clerk of the Court. Upon issuance of the summons, the party's attorney who shall file a copy of the pleadings and a copy of the pleadings on a basis to reject the pleadings.

(b) *Affidavit of mailing.* The party who serves process pursuant to the Rules of this Court shall file a copy of the affidavit of mailing and receipt of the summons with the Clerk of the Court. The plaintiff or plaintiff's attorney shall file a copy of the return receipt with the Clerk of the Court.

*Source.* — For 4.1(a), former Delaware Local Rule 2.1F with revisions, and for 4.1(b), former Delaware Local Rule 2.1F with revisions.

**Rule 5.1.1. General provisions.**

All pleadings, motions, and other papers shall be 11 inch opaque, and shall be plainly typewritten. Each page shall be numbered and shall set forth



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Childhood Center  
Legal & Community College  
purs 302-857-1283

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## Rule 8.1

## PROFESSIONAL CONDUCT RULES

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financial support for election to or retention in judicial or other government office. Political contributions in initiative and referendum elections are not included. For purposes of this rule, the term "political contribution" does not include uncompensated services.

[3] Subject to the exceptions below, (i) the term "government legal engagement" denotes any engagement to provide legal services that a public official has the direct or indirect power to award; and (ii) the term "appointment by a judge" denotes an appointment to a position such as referee, commissioner, special master, receiver, guardian or other similar position that is made by a judge. Those terms do not, however, include (a) substantially uncompensated services; (b) engagements or appointments made on the basis of experience, expertise, professional qualifications and cost following a request for proposal or other process that is free from influence based upon political contributions; and (c) engagements or appointments made on a rotational basis from a list compiled without regard to political contributions.

[4] The term "lawyer or law firm" includes a political action committee or other entity owned or controlled by a lawyer or law firm.

[5] Political contributions are for the purpose

of obtaining or being considered for a government legal engagement or appointment by a judge if, but for the desire to be considered for the legal engagement or appointment, the lawyer or law firm would not have made or solicited the contributions. The purpose may be determined by an examination of the circumstances in which the contributions occur. For example, one or more contributions that in the aggregate are substantial in relation to other contributions by lawyers or law firms, made for the benefit of an official in a position to influence award of a government legal engagement, and followed by an award of the legal engagement to the contributing or soliciting lawyer or the lawyer's firm would support an inference that the purpose of the contributions was to obtain the engagement, absent other factors that weigh against existence of the proscribed purpose. Those factors may include among others that the contribution or solicitation was made to further a political, social, or economic interest or because of an existing personal, family, or professional relationship with a candidate.

[6] If a lawyer makes or solicits a political contribution under circumstances that constitute bribery or another crime, Rule 8.4(b) is implicated.

## Rule 8.1. Bar admission and disciplinary matters.

An applicant for admission to the bar, or a lawyer in connection with a bar admission application or in connection with a disciplinary matter, shall not:

- (a) knowingly make a false statement of material fact; or
- (b) fail to disclose a fact necessary to correct a misapprehension known by the person to have arisen in the matter, or knowingly fail to respond to a lawful demand for information from an admission or disciplinary authority, except that this rule does not require disclosure of information otherwise protected by Rule 1.6.

## COMMENT

[1] The duty imposed by this Rule extends to persons seeking admission to the bar as well as to lawyers. Hence, if a person makes a material false statement in connection with an application for admission, it may be the basis for subsequent disciplinary action if the person is admitted, and in any event may be relevant in a subsequent admission application. The duty imposed by this Rule applies to a lawyer's own admission or discipline as well as that of others. Thus, it is a separate professional offense for a lawyer to knowingly make a misrepresentation or omission in connection with a disciplinary investigation of the lawyer's own conduct. Paragraph (b) of this Rule also requires correction of any prior misstatement in the matter that the applicant or lawyer may have made and affirmative clarification of any misunder-

standing on the part of the admissions or disciplinary authority of which the person involved becomes aware.

[2] This Rule is subject to the provisions of the fifth amendment of the United States Constitution and corresponding provisions of state constitutions. A person relying on such a provision in response to a question, however, should do so openly and not use the right of nondisclosure as a justification for failure to comply with this Rule.

[3] A lawyer representing an applicant for admission to the bar, or representing a lawyer who is the subject of a disciplinary inquiry or proceeding, is governed by the rules applicable to the client-lawyer relationship, including Rule 1.6 and, in some cases, Rule 3.3.

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## PROFESSION.

**Violation shown.** — Attorney's false statement to the Office of Disciplinary Council regarding his distribution of settlement funds to a client violated this rule. In re Maguire, 7 A.2d 417 (Del. 1999).

Where attorney's prior disciplinary record included public reprimands and private admonitions and attorney was found to have violated subsection (b) in five instances, attorney was suspended from the practice of law for several months. In re Guy, 756 A.2d 875 (Del. 2000).

Attorney's failure to timely respond to Office of Disciplinary Counsel's (ODC) letter to contact the client as requested by the ODC violated subsection (b) of this rule. In re Becl 788 A.2d 527 (Del. 2001).

Law. R. Prof. Conduct 1.15(a), 1.15(d), 1.16(d), 3.4(c), 8.1(b), 8.4(d) were violated w/ for several years the attorney mishandled, improperly accounted for the attorney's client funds and the attorney's escrow account; inaccurately completed certificates of com

## Rule 8.2. Judicial and legal off

(a) A lawyer shall not make a statement or with reckless disregard as to its truth or integrity of a judge, adjudicatory officer, or public defender, or an election or appointment to judicial office.

(b) A lawyer who is a candidate for judicial office shall comply with the applicable provisions of the Code of Judicial Ethics.

[1] Assessments by lawyers are relied on in evaluating the professional or personal fitness of persons being considered for election or appointment to judicial office and to public offices, such as attorney general, prosecutor, attorney and public defender. Expressing honest and candid opinions on such matters contributes to improving the administration of justice. Conversely, false statements by a lawyer can unfairly undermine public confidence in the administration of justice.

## Rule 8.3. Reporting professional

(a) A lawyer who knows that another lawyer has violated the rules of Professional Conduct shall inform the appropriate professional authority.

(b) A lawyer who knows that a judge has violated the rules of judicial conduct that raise questions about the judge's fitness for office shall inform the appropriate authority.

(c) This Rule does not require disclosure of confidential information by rule 1.6.

(d) Notwithstanding anything to the contrary in the relationship between member and the Committee of the Delaware State Bar Association, or (ii) the Pro

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(b) **Effective Date.** The Rules become effective on June 30, 2007. The Rules supercede any local rules effective prior thereto and shall govern all civil proceedings pending on the effective date, unless otherwise ordered.

(c) **Application.** The Rules shall be construed consistent with 1 U.S.C. §§ 1-5 and shall be followed insofar as they are not inconsistent with the Federal Rules of Civil Procedure (hereinafter "Fed. R. Civ. P."). The Rules, as well as all procedures promulgated by either the Clerk of Court ("the Clerk") or any Judge's chambers, shall be on the Court's website at [www.ded.uscourts.gov](http://www.ded.uscourts.gov).

(d) **Modification.** The application of the Rules in any case or proceeding may be modified by the Court in the interests of justice.

#### **RULE 1.2. Availability of the Local Rules.**

(a) **Copies.** Copies of the Rules, as amended and with any appendices attached hereto, can be viewed on and downloaded from the Court's website, [www.ded.uscourts.gov](http://www.ded.uscourts.gov). Paper copies are available from the Clerk for a reasonable charge to be determined by the Court.

(b) **Amendments.** Consistent with Fed. R. Civ. P. 83 and 28 U.S.C. § 2071, notice shall be provided of:

- (1) Any amendments to the Rules;
- (2) The ability of the public to comment thereon; and
- (3) Final adoption of the amendments.

#### **RULE 1.3. Sanctions.**

(a) **In General.** Sanctions may be imposed, at the discretion of the Court, for violations of the Rules, as well as for violations of the Fed. R. Civ. P. and any order of the Court. Such sanctions may include, but are not limited to, costs, fines and attorneys' fees imposed on the offending party and that party's attorney.



(b) **Substantive Sanctions.** In addition to financial penalties, failure of counsel to comply with the Rules relating to trial preparation may be considered an abandonment or a failure to prosecute or defend diligently, and judgment may be entered against the defaulting party either with respect to a specific issue or the entire case. Likewise, failure of counsel to comply with the Rules relating to motions may result in the determination of the motion against the offending party.

## **II. COMMENCEMENT OF ACTION; PROCESS; SERVICE AND FILING OF PLEADINGS AND OTHER PAPERS**

### **RULE 3.1. Civil Cover Sheet.**

(a) **In General.** Except for civil actions initiated by prisoners who are not represented by counsel, every party initiating a civil action in the Court shall complete and file with the Clerk a civil cover sheet, a form available from the Clerk. To the extent that counsel for a plaintiff has not completed the entire civil cover sheet accurately, counsel for a defendant shall bring such missing or inaccurate information to the attention of the Clerk, all parties, and the Court.

(b) **Indication of Related Actions.** Counsel for a plaintiff in a civil action shall indicate on the civil cover sheet if said action is related to any other civil action previously decided or pending in this or any other federal district court. Civil actions are related if they:

- (1) Arise from the same or substantially identical transactions, happenings, or events as the case at bar;
- (2) Involve the same or substantially the same parties or property;
- (3) Involve the same patent or the same trademark; or
- (4) For other reasons would entail substantial duplication of labor if heard by different judges.

### **RULE 3.2. Patent Cases.**

In all patent cases, copies of the patents at issue shall be attached and filed with the complaint.

### **RULE 4.1. Service of Process.**

(a) **Summons.** Except as to those cases proceeding pursuant to 28 U.S.C. § 1915(d), upon or after the filing of a complaint, plaintiff or plaintiff's counsel must present to the Clerk, for the Clerk's signature and seal, a completed form of summons for

Rule 3.4 - STATE THE FOLLOWING EX. 1 (1)

FAIRNESS to opposing party and counsel (page 1, EX E R. 3.4)  
Attached.

A. Lawyer shall not:

(A) Unlawfully alter, destroy or conceal A document or other material having potential (Rule Attach EX E)  
ALSO EX F will show Requested production from G.M and Attorney  
On October 31, 2007, copy EX G.

(1) Attack is the (Sapena) - But it was never produced by G.M and there was an order (dated) By The Honorable Judge FARRAN for a discovery due NO later than NOVEMBER 8, 2007. The counsel for G.M never Replied to THAT order (for discovery order deadline for NOV. 8-07.) SEE Honorable Judge FARRAN's order Attach EX G(2)  
Also see Docket Sheet G.M. never replied TO Order EX G(2) Attached.

Also SEE Rule 8.1 BAR Admission AND disciplinary matter (A) & (B) EX H (1). Rule 8.1 Attach AS well. MR. SLANDER withdrew on NOV. 8, 2006, copy Attach And I, was notified within TEN (10) days  
G.M Attorney Violated Rule 8.1.7 SEE penalty for withdrawal in A civil forfeiture Action, Copy R. 8.1.7 Attach. 8.1.7 (EX D PAGE 1).

Wherefore FOR THESE violation of Rules and order made By This Court, Rule 1.3 Should Apply or what the Court DEEM Justified for Justice.

Certified of services  
Honorable Judge FARRAN<sup>2</sup>  
Michael William E. / Michael Burnskill  
300 Delaware Ave, Street 210  
Wil. Del, 19801

THANK you  
Roland C. Anderson  
113 Lloyd Street  
Wil. Del. 19804

Date NOV. 29-07